

STARTING A CIVIL ACTION CHECKLIST

This is a basic checklist for starting a civil action in North Dakota District Court. There may be additional documents and procedures for your particular type of civil action. If you are unsure how to proceed, you should consult a lawyer licensed to practice in North Dakota.

THE [GUIDE TO A CIVIL ACTION](#) on the ND Legal Self Help Center website has additional information and resources.

Jurisdiction:

The Plaintiff(s) must show that North Dakota District Courts have subject matter jurisdiction and personal jurisdiction over the civil action and the parties in the civil action.

- ☐ Do North Dakota District Courts have subject matter jurisdiction?

List the specific [law or laws](#) that relate to the civil action and give the North Dakota District Court authority to hear and determine the civil action: _____

_____.

- ☐ Do North Dakota District Courts have personal jurisdiction?

List the name(s) of the individual, business, or other “person” who will be a Plaintiff or Defendant: _____

_____.

Explain how the North Dakota District Court has authority over each of the parties in the civil action. ([Rule 4 of the North Dakota Rules of Civil Procedure](#) gives the definition of a “person” and requirements for exercising personal jurisdiction over a person.):

_____.

Venue (Location of Civil Action):

The Plaintiff(s) must determine the proper county in North Dakota for the North Dakota District Court to hear and decide the subject matter of the civil action. (See the [law or laws](#) related to the subject matter and/or [North Dakota Century Code Chapter 28-04](#).)

- ☐ The North Dakota District Court in _____ County is the proper county.

Explain why: _____

_____.

Statute of Limitation

The Plaintiff(s) must determine if the civil action is still within the time allowed by law to bring the civil action.

- ☐ What is/are the statute(s) of limitation that applies to this civil action? (See the [law or laws](#) related to the subject matter and/or [North Dakota Century Code Chapter 28-01.](#)) -

_____.

- ☐ Is this civil action still within the time allowed by law (statute of limitation) to bring the action?

Explain why: _____.

Create the Documents to Start a Civil Action:

- ☐ Summons

- ☐ Full, legal names of Plaintiff(s) and Defendant(s)
- ☐ County Name
- ☐ Judicial District Name (available [here](#))
- ☐ Case number, if already assigned by the clerk of court
- ☐ Signed and dated by Plaintiff, or by lawyer, if Plaintiff is represented
- ☐ Make a copy for each Defendant, plus one copy to keep as a record

(If the civil action is a divorce, legal separation, or an action to determine parental rights and responsibilities, there are additional requirements for the summons. (See [Rule 8.4 of the North Dakota Rules of Court.](#))

- ☐ Complaint

- ☐ Fill in the top of complaint exactly as it appears on the top of the summons
- ☐ Explain how the court has subject matter jurisdiction and personal jurisdiction
- ☐ Explain how the county is the proper venue for the civil action
- ☐ Describe the claim(s) in short, plain statements showing the Plaintiff(s) is entitled to relief
- ☐ Include the demand for relief
- ☐ **Do not include** confidential information as required by [Rule 3.4 of the North Dakota Rules of Court](#)
- ☐ Signed and dated by Plaintiff, or by lawyer, if Plaintiff is represented
- ☐ Make a copy for each Defendant, plus one copy to keep as a record

- ☐ Confidential Information Form
 - ☐ Fill in the top of [Confidential Information Form](#) exactly as it appears on the top of the summons
 - ☐ Fill in the full information that cannot be included in documents filed with the Court
(See [Rule 3.4 of the North Dakota Rules of Court](#))
 - ☐ Make a copy to keep as a record

Service of Summons and Complaint:

A civil action begins with service of the summons and a copy of the complaint on each Defendant. This is also called service of process.

The Plaintiff is required to notify each Defendant of the claims and to give the Defendant time to respond. A signed and notarized affidavit of service is proof that service occurred.

- ☐ Review service requirements in [Rule 4 of the North Dakota Rules of Civil Procedure](#). For more information about service requirements to start a civil action, go to the [Service](#) link on the ND Legal Self Help Center website.
- ☐ Obtain the address for service for each Defendant
- ☐ Arrange for service of the summons and a copy of the complaint on each Defendant.
- ☐ For each Defendant, get the signed and notarized affidavit of service of the summons and copy of the complaint from the person who served the summons and a copy of the complaint.

Defendant's Answer:

The Defendant has twenty-one (21) days after service of the summons and copy of the complaint to respond or "answer" the complaint.

- ☐ The Defendant served a written answer to the complaint on the Plaintiff, or the Plaintiff's lawyer, if represented.

Date the written answer to the complaint was served: _____

(For information about service requirements after a civil action has been started, the [Service](#) link on the ND Legal Self Help Center website.)

OR

- ☐ The Defendant did not serve a written answer to the complaint on the Plaintiff, or the Plaintiff's lawyer, if represented.

If the Defendant failed to serve an Answer twenty-one (21) days after service of the summons and copy of the complaint, you may ask the court for a default judgment.

Filing the Summons and Complaint with the North Dakota District Court:

A summons and complaint are not required to be filed with the court to start a civil action. However, there are actions that a court cannot take until the summons and complaint are filed, including (but not limited to) considering requests for orders, issuing orders and issuing subpoenas.

*** Filing a document is not the same as serving a document. Filing does not meet the requirements for service.***

- ☐ Contact the clerk of court's office in the County where the Plaintiff will file the civil action for the following information:
 - ☐ Amount of the filing fee \$_____ and how to pay (Generally, \$80.00)
 - ☐ Options for submitting documents to be filed if the Plaintiff cannot file the documents in person
- ☐ Gather the originals of the following documents (make copies for your records):
 - ☐ Summons
 - ☐ Complaint
 - ☐ Affidavit(s) of Service of the summons and copy of the complaint on each Defendant
 - ☐ Confidential Information Form (See [Rule 3.4 of the North Dakota Rules of Court](#))
- ☐ File the original documents with the clerk of court and pay the filing fee.

****The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota courts. The information provided by the Center is not intended for legal advice but only a general guide to the court process. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state. Use at your own risk****